

Gowanus Canal Superfund Site Potentially Responsible Party (PRP) Search Status - August 2011

As of August 2011, EPA has sent notices of potential liability, together with information request letters to twenty-one companies, New York City, the US Navy and the former owner of a company. Fifty-two other companies have been sent information request letters. The recipients of each type of letter are listed below.

EPA has taken various other enforcement-related steps. In April 2010, EPA entered into administrative consent orders with New York City and National Grid to provide work in support of EPA's remedial investigation. In September 2010, EPA entered into a judicial bankruptcy consent decree with Chemtura Corp. under which Chemtura paid EPA \$3.9 million to resolve its liability with respect to the Site. Chemtura also agreed to perform cleanups at their former Court Street facilities in Red Hook under the oversight of the NYSDEC.

How EPA Identifies PRPs

EPA typically gathers the names of possible parties from many sources. For the Gowanus Canal, these sources include the "Phase 1" investigation done by the US Army Corps of Engineers based mainly on environmental databases; historic Sanborn maps; state and local records; and from information submitted by other parties, including New York City, National Grid and members of the public.

EPA then typically sends each party an information request letter, the Superfund equivalent of a subpoena. Because many Gowanus-related records are decades old, EPA is often allowing parties 3-6 months to respond. In some instances, companies have moved or changed names, requiring several service attempts, or the company may turn out to be defunct.

In general, the companies have been responsive. EPA has obtained several hundred thousand pages of records and expects to receive hundreds of thousands of additional documents. As the search process proceeds, parties who have answered information requests but were not named as PRPs may be given a notice of potential liability, and additional parties will be asked questions and sent notice letters. For a long-term remedial project such as this, EPA may continue to pursue parties until the statute of limitations runs, which is 6 years after the cleanup is completed.

It should be noted that a notice of potential liability is not a legal determination that a party is in fact responsible, only a warning that EPA believes this may possibly be the case as of the time of the notice. EPA may revise a party's status as additional information is received. A notice letter is also intended to provide a party with an opportunity to participate in the Superfund process.

Superfund Settlements

Under the Superfund law, parties may be jointly and severally liable for a cleanup. This means that each given party is theoretically liable for the entire cleanup. In practice, the liability of parties is typically divided up based on each company's relative waste contribution. The

financial capability of responsible parties may vary widely. The size of a company does not necessarily reflect their share of the waste. EPA has a variety of Superfund enforcement tools to ensure that contributors pay an appropriate share. These include issuing unilateral administrative orders mandating a cleanup under threat of penalties and treble damages, filing a civil suit, and entering into “de minimis” and ability to pay settlements, particularly for small businesses and individuals. EPA currently expects to negotiate a settlement with all of PRPs for performance of the cleanup after the final remedy is selected. In appropriate circumstances, EPA may reach separate settlements with certain parties.

List of Notice of Potential Liability and Information request letters recipient

Below is the current list of parties that have been sent some form of EPA correspondence regarding the Gowanus Canal. Due to mergers, name changes and other corporate transactions, the name of the original company which operated at the Canal may have changed multiple times over a century or more. The companies with whom EPA corresponded are listed below. The names of companies which EPA believes may be related companies are shown in parentheses. Several companies have asserted that other companies are the proper successor, such as Rio Tinto Alcan, BP and Dupont. Those companies are noted with an asterisk.

List of Notice of Potential Liability and Information request letters recipients:

1. Beazer East, Inc. (Beazer Materials & Services, Inc., Koppers Company, Inc.) - answered in March 2010
2. National Grid USA (Brooklyn Union Gas Co., Metropolitan Gas Light Co., Citizen’s Gas Light Co., Fulton Municipal Gas Co.) - answered in April 2010; supplement pending
3. Consolidated Edison Company Of New York, Inc. - answered in November 2009
4. Chemtura Corp. (Argus Chemical Co., Witco Chemical Co., Crompton Corp.) - answered in October 2009, supplemented in September 2010; \$3.9 million EPA judicial bankruptcy settlement approved in December 2010
5. New York City - initial answer submitted in March 2010, supplemented in December 2010; additional supplement pending
6. U.S. Navy - answered in March 2010
7. Cibro Petroleum Products, Inc.(Cirillo Brothers, Inc./Cibro Petroleum/Brooklyn, Inc.) - answered in March 2010; company defunct
8. Amerada Hess Corp. (Patchogue Oil and Ira Bushey and Sons) - answered in October 2009, supplemented in April 2010, additional supplement pending

9. Honeywell International Inc. (Barrett Manufacturing Co., Warren Chemical and Manufacturing Co. Dept. of Barrett Manufacturing Co. and Allied Chemical and Dye Corp.) - answered in October 2009
10. Kraft Foods Global, Inc. (New York Tartar Co., Standard Brands and Nabisco) - answered in September 2010
11. Stauffer Management Company, LLC - answered in March 2010, supplemented in October 2010 and August 2011
12. Daniel Tinneney (Vidan Auto Salvage, Tinneney President Street LLC) - answered April 2011
13. H.J. Baker & Bro., Inc. (and Forrester Fertilizer Co.) - issued in March 2011, answer pending
14. MCIZ Corp., Fifteen Second Avenue LLC, 36-2nd-J Corp., and 107 Sixth Street LLC- issued in March 2011, answer pending
15. Brink's Inc.* (Greason Son & Dazell, Inc.; The Pittston Co., Metropolitan Petroleum Corp.) - answered in March 2010
16. Rapid American Corp.* (Burns Brothers Co.; Glen Alden Corp.) - answered in March 2010
17. Bayside Fuel Oil Corp. - answered in October 2009
18. ConocoPhillips Co. (American Agricultural Chemical Co., Continental Oil Co., and Conoco Inc.) - answered in February 2010
19. ExxonMobil Oil Corp. including Standard Oil Co. of New York) - answered in September 2009, supplemented in June 2010
20. Citigroup, Inc./MRC Holdings, Inc. (American Can Co., Primerica Corp., Travelers Group, Inc.) - answered in June 2010
21. NL Industries, Inc. (National Lead Co., Doehler Jarvis Co., Doehler Die Casting Co.) - answered in December 2009, supplemented in January 2011
22. Patterson Fuel Oil Company, Inc. (Scranton and Lehigh Coal Co.) - answered in October 2009
23. The Union Oil Company of California, aka Unocal, a subsidiary of Chevron Corp. (Pure Oil Co.) - answered in September 2009

24. Verizon New York Inc. (NYNEX Corp. and New York Telephone Co.) - answered in March 2011

Information request letter-only recipients:

1. AkzoNobel (Devoe and Reynolds, Inc., International Salt Co., Inc.)- answered in October 2010; supplemented in March 2011
2. BP America, Inc.* - answered in December 2009
3. Seagrave Coatings Corp.* - answered in August 2009
4. E. I. Du Pont de Nemours and Co.* - answered in August 2009
5. Rio Tinto Alcan Inc.* - answered in September 2009
6. Unilever USA, Inc. (American Cotton Oil Company) - answered in October 2009, supplement pending
7. Fuqua Enterprises, Inc.* - answered in November 2009
8. Algrun Metals & Minerals Corp. (American Nickel Alloy Manufacturing Co.) - apparently defunct
9. Universal Fixture Corp. - apparently defunct following bankruptcy
10. United Capital Corp. (Kentile Floors Inc.) - answered in November 2009, supplemented June 2011
11. Viacom, Inc.* - answered in December 2010
12. Castle Oil Corp.* - answered in December 2010.
13. NIC Holding Corporation (Northville Industries Corp., Premium Corp. and Premium Coal & Oil Co.) - answered in May 2011
14. O-Z Gedney Co., LLC * (O.Z. Electric Manufacturing Co., Inc.) - answered in February 2011
15. Sanitation Repairs, Inc. - answered in January 2011
16. Petroleum Tank Cleaners Ltd. (Tanks To U, Inc.) - answered in March 2011

17. Dun and Bradstreet Corp. (R.G. Dun & Co) - answered in June 2011
18. Genmar Holdings, Inc. (American Machine Foundry Co., AMF, Inc. and Minstar, Inc.) - issued in March 2011, may be defunct
19. INX International Ink Company (J.P. Carlson, Inc. Chromadyne Corp., Roberts & Carlson, Inc., Midland Color Co.) - answered in April 2011
20. Lehigh Coal and Navigation Co. (Brooklyn Union Coal Co.) - issued in March 2011, may be defunct
21. Nelson Brothers Fuel Corp. (Nelson Brothers Fuel Co.) - issued in March 2011, appears to be defunct
22. PLC Enterprises, Inc. (Seagrave Corporation, Debevoise Co., Cheesman-Elliot Co.) - issued in March 2011, response pending
23. Rexam Beverage Can Co. (American Can Co., Metal Packaging Corp.) - issued in March 2011, response pending
24. Sears Holdings Corporation (Sears, Roebuck and Co., Inc., Roebuck's Planing Mill) - issued in March 2011, response pending
25. SPX Corporation (O-Z/Gedney Co., Inc.) - answered May 2011, supplemented in May 2011
26. Truetech, Inc. (Compounding Corporation of America and Chemical Compounding Corp.) - answered in March 2011
27. United Receptacle, Inc. (United Metal Box Co.) - answered in June 2011
28. William H. Jackson Co., Inc. - answered in June 2011
29. Cooper-Standard Holdings, Inc. (Standard Products Co., Inc., CeeBee Division) - answered May 2011, supplemented in June 2011
30. United States Steel Corp.- answered in July 2011
31. Coca-Cola Enterprises Inc. (Coca-Cola Bottling Co. of NY, Inc.) - answered in May 2011
32. J.H. Williams Tool Group (J.H. Williams & Co.) - answered in May 2011, supplemented in July 2011
33. New York Daily News (News Syndicate) - answered in August 2011

34. Central Coal Co., Inc. (Greason, Son & Dalzell, Inc.) - issued in March 2011, company apparently defunct
35. Westinghouse Electric Co. LLC * - answered in June 2011, supplemented in July 2011
36. Hauck Manufacturing Co. - issued in May 2011, response pending
37. Resina West, Inc. (Resina Automatic Machinery Co., Inc.) - issued in May 2011, response pending
38. Sensient Technologies Corp.(H. Kohnstamm and Co., Inc.) - issued in May 2011, response pending
39. U.S. Postal Service (2nd Avenue Detached Mail Unit and Vehicle Maintenance Facility) - issued in May 2011, response pending
40. Zophar Mills, Inc. - answered in August 2011
41. 6th Street Iron and Metal - issued in August 2011, response pending
42. Benson Metal Corp. - issued in August 2011, response pending
43. CBS Corp. (H. Krantz Manufacturing Co., Inc., Westinghouse Electric Co.) - issued in August 2011, response pending
44. Cooper Tire and Rubber Company (Cooper-Standard Holdings, Inc., CeeBee Division of Standard Products Co., Inc.) - issued in August 2011, response pending
45. Northeastern Plastics, Inc.. (NPI Plastics, Inc.) - issued in August 2011, response pending
46. T.E. Conklin Brass and Copper Corp. - issued in August 2011, response pending
47. McNally International Corp. (McNally Trucking Corp., McNally Bros, Inc.) - issued in August 2011, response pending
48. Ryder System, Inc. (Ryder Truck Rental, Inc.) - issued in August 2011, response pending
49. Advance Paper Recycling Corp. - issued in August 2011, response pending
50. Fortune Brands, Inc. (American Machine and Foundry Co., AMF, American Tobacco Co.) - issued in August 2011, response pending
51. PepsiCo, Inc. - issued in August 2011, response pending

52. O. C. Adhesives Corp. (Adhesion Systems, Inc.) - issued in August 2011, response pending